

Attorney's Docket No.: \_\_\_\_\_

## DECLARATION, POWER OF ATTORNEY AND PETITION

I (We), the undersigned inventor(s), hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I (We) believe that I am (we are) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

ANTIBODY AGAINST FIBROBLAST GROWTH FACTOR-23

the specification of which

is attached hereto.

was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and amended on \_\_\_\_\_.

was filed as PCT international application

Number PCT/JP03/00017

on January 6, 2003,

and was amended under PCT Article 19

on \_\_\_\_\_ (if applicable).

I (We) hereby state that I (We) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; that I (We) do not know and do not believe that this invention was ever known or used before my invention or discovery thereof, or patented or described in any printed publication in any country before my invention or discovery thereof, or more than one year prior to this application, or in public use or on sale in the United States for more than one year prior to this application; that this invention or discovery has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months before this application.

I (We) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

I (We) hereby claim foreign priority benefits under Section 119(a)-(d) of Title 35 United States Code, of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing date	Priority
<u>2001-401689</u>	<u>Japan</u>	<u>December 28, 2001</u>	<u>claimed</u>
<u>2002-262020</u>	<u>Japan</u>	<u>September 6, 2002</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

I hereby claim the benefit under Section 119(e) of Title 35 United States Code, of any United States application(s) listed below.

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

I (We) hereby claim the benefit under Section 120 of Title 35 United States Code, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Section 112 of Title 35 United States Code, I (We) acknowledge the duty to disclose material information as defined in Section 1.56(a) of Title 37 Code of Federal Regulations, which occurred between the filing date of the prior application and national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (pending, patented, abandoned)
_____	_____	_____
_____	_____	_____
_____	_____	_____

And I (We) hereby appoint: Stephen A. Bent, Registration No. 29,768; David A. Blumenthal, Registration No. 26,257; John J. Feldhaus, Registration No. 28,822; Donald D. Jeffery, Registration No. 19,980; Peter G. Mack, Registration No. 26,001; Brian J. McNamara, Registration No. 32,789; Sybil Meloy, Registration No. 22,749; Colin G. Sandercock, Registration No. 31,298; Bernhard D. Saxe, Registration No. 28,665; Richard L. Schwaab, Registration No. 25,479; and Arthur Schwartz, Registration No. 22,115.

I(We) hereby request that all correspondence regarding this application be sent to the firm of FOLEY & LARDNER whose Post office address is: Washington Harbour, Suite 500, 3000 K Street, N.W., Washington, DC 20007-5109 U.S.A.

I (We) declare further that all statements made herein of my (our) knowledge are true and that all statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

100

Yuji YAMAZAKI

NAME OF FIRST INVENTOR

Yuji Yamazaki

Signature of Inventor

June 8, 2004

Date

Residence: Gunma, Japan

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Citizen of: Japan

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Takashi SHIMADA

NAME OF SECOND JOINT INVENTOR

Takashi Shimada

Signature of Inventor

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Date

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Takeyoshi YAMASHITA

NAME OF THIRD JOINT INVENTOR

Takeyoshi Yamashita

Signature of Inventor

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Date

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Yuji YAMAZAKI et al.  
Title: ANTIBODY AGAINST FIBROBLAST GROWTH FACTOR-23  
Appl. No.: Not yet assigned  
Int'l Appln. No: PCT/JP03/00017  
Int'l Filing Date: January 6, 2003  
Examiner: Not yet assigned  
Art Unit: Not yet assigned

**STATEMENT UNDER 37 C.F.R. §1.32(c)(3)**  
**DESIGNATING NO MORE THAN TEN**  
**PATENT PRACTITIONERS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §1.32(c)(3), the following ten or fewer patent practitioners named in the Power of Attorney should be recognized by the Office as being of record in the above identified application or patent.

Attorney Name	Registration Number
Stephen A. Bent	29,768
Beth A. Burrous	35,087
Mary Michelle Kile	35,217
Stephen B. Maebius	35,264
Richard C. Peet	35,792
Michele M. Simkin	34,717

Respectfully submitted,

By H. G. Bent

Date 28 June 2004

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Customer Number: 22428  
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Stephen A. Bent  
Attorney for Applicant  
Registration No. 29,768

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**DECLARATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I declare:

1. A deposit of the microorganism identified as CHO-OST311H, of Accession number FERM BP-7273; the microorganism identified as 2C3B, of Accession number, FERM BP-7838; the microorganism identified as 3C1E, of Accession number FERM BP-7839; the microorganism identified as ID6A, of Accession number FERM BP-7840; and the microorganism identified as 2C5L, identified of Accession number FERM BP-8268, was made at the International Patent Organism Depository, National Institute of Advanced Industrial Science and Technology, AIST Tsukuba Central 6, 1-1, Higashi 1-Chome, Tsukuba-shi, Ibaraki-ken 305-8566 Japan and accepted under the provisions of the Budapest Treaty for patent purposes.

2. The deposit having Accession numbers, FERM BP-7273, FERM BP-7838, FERM BP-7839, FERM BP-7840 and FERM BP-8268 were made on August 11, 2000, December 26, 2001, December 26, 2001, December 26, 2001 and January 6, 2003 respectively.

3. All restrictions on the availability to the public of the culture deposited will be irrevocably removed upon the granting of a patent from the above-identified application.

4. The deposit will be replaced if viable samples cannot be dispensed by the depository.
5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

Signed this 28<sup>th</sup> day of June, 2004



Name: Stephen A. Bent  
Reg. No. 29,768  
Applicants' Representative